



PUBLIC NOTICE

Federal Communications Commission
445 12th St., S.W.
Washington, D.C. 20554

News Media Information 202 / 418-0500
Internet: <http://www.fcc.gov>
TTY: 1-888-835-5322

DA 09-1775

Release Date: August 10, 2009

DEADLINE FOR ANNUAL LIFELINE VERIFICATION SURVEYS AND CERTIFICATIONS

WC Docket No. 03-109

Each year, eligible telecommunications carriers (ETCs) are required to verify the continued eligibility of a statistically valid sample of their Lifeline subscribers.¹ Under the terms of the *Lifeline Order*, states that have their own state-based low-income programs are required to establish state-specific verification procedures.² These state procedures should include methods ETCs should use to verify continued eligibility and should specify to whom the results should be submitted.³ States that do not have state-based low-income programs are designated “federal default states.” ETCs in federal default states must follow the certification and verification procedures set out in the *Lifeline Order*.⁴

This public notice serves as a reminder that an ETC in a state with its own state-based low-income program must submit a certification, signed by an officer of the company, to the Universal Service Administrative Company (USAC) by **August 31, 2009, and on August 31 of each subsequent year thereafter**, attesting that the ETC has complied with the state verification procedures.⁵ All ETCs in

¹ *Federal-State Joint Board on Universal Service Lifeline and Link-Up*, WC Docket No. 03-109, Report and Order and Further Notice of Proposed Rulemaking, 19 FCC Rcd 8302 (2004) (*Lifeline Order*). TracFone Wireless, Inc. (TracFone), pursuant to a condition imposed by the Commission in granting TracFone forbearance from the ETC facilities ownership requirement, must require each of its Lifeline customers to self-certify annually that he or she is the head of the household and receives Lifeline-supported service only from TracFone. TracFone must maintain these self-certifications and provide such documentation to the Commission upon request. See *Petition of TracFone Wireless, Inc. for Forbearance from 47 U.S.C. § 214(e)(1)(A) and 47 C.F.R. § 54.201(i)*, CC Docket No. 96-45, Order, 20 FCC Rcd 15095, 15103, para. 18, n.50 (2005). Accordingly, verification of continued Lifeline eligibility based on a statistically valid sample of customers does not apply to TracFone.

² *Lifeline Order*, 19 FCC Rcd at 8322, para. 33.

³ *Id.* at 8324, para. 37.

⁴ *Id.*

⁵ See 47 C.F.R. § 54.410(c)(1); see also *Deadline for Annual Lifeline Verification Surveys and Certifications*, WC Docket No. 03-109, Public Notice, 23 FCC Rcd 11917 (Wireline Comp. Bur. 2008); *Deadline for Annual Lifeline Verification Surveys*, Public Notice, 22 FCC Rcd 12753 (Wireline Comp. Bur. 2007); *Deadline for Annual Lifeline Verification Surveys*, Public Notice, 21 FCC Rcd 7184 (Wireline Comp. Bur. 2006). If August 31 falls on a holiday, the certification must be filed on the next business day. See 47 C.F.R. § 1.4(e)(2) and (j).

federal default states must also submit their annual Lifeline verification survey results to USAC by **August 31, 2009, and on August 31 of each subsequent year thereafter.**⁶

The Wireline Competition Bureau and USAC have received several inquiries concerning the Lifeline certification and verification procedures. In Attachment A to this public notice, we provide answers to frequently asked questions.

People with Disabilities: To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at (202) 418-0530 (voice), (202) 418-0432 (tty).

The full text of this document is available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, S.W., Room CY-A257, Washington, D.C. 20554. They may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., Portals II, 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554, telephone: (202) 488-5300, fax: (202) 488-5563, or via e-mail www.bcpweb.com.

For further information, please contact Elizabeth Valinoti McCarthy, Telecommunications Access Policy Division, Wireline Competition Bureau at (202) 418-7400 or TTY (202) 418-0484.

- FCC -

⁶ See 47 C.F.R. § 54.410(c)(2); *see also* 47 C.F.R. §§ 1.4(e)(2), (j).

ATTACHMENT A

Annual Lifeline Certification and Verification Procedures

Frequently Asked Questions

1. Which states are “federal default states”?

Delaware, Hawaii, Iowa, Indiana, Louisiana, New Hampshire, American Samoa, and the Northern Mariana Islands have identified themselves as “federal default states.”¹ If your state is not included in this list, you should contact the state commission for its certification and verification procedures. If a state changes its designation, the state commission should notify the Federal Communications Commission.

2. What is the deadline for filing the results of the statistically valid sampling of Lifeline customers for purposes of verification and how should filings be made?

For federal default states, all verification sampling results must be submitted to USAC by **August 31, 2009, and on August 31 of each subsequent year thereafter.**² ETCs in federal default states must submit a signed copy of the results by only one of the following methods:

- (a) Facsimile to: (202) 776-0080;
- (b) E-mail to: LiVerifications@usac.org; or
- (c) U.S. Mail to:

USAC - Low Income Program
2000 L Street, NW, Suite 200
Washington, DC 20036

ETCs must submit their verification results on the OMB-approved “Annual Lifeline Certification and Verification” form, which can be found on USAC’s website at <http://www.usac.org/li/telecom/step08/verification-of-eligibility.aspx>. ETCs may confirm the receipt of their submissions on USAC’s website at <http://www.usac.org/res/documents/li/pdf/cert-ver/2009%20Certifications%20and%20Verifications%20Received.pdf>.

3. How do ETCs in states that have their own state-based Lifeline and Link-Up programs comply with the verification survey deadline?

¹ *Federal-State Joint Board on Universal Service Lifeline and Link-Up*, WC Docket No. 03-109, Report and Order and Further Notice of Proposed Rulemaking, 19 FCC Rcd 8302, 8355, Appendix G (2004) (*Lifeline Order*). Since the release of the *Lifeline Order*, additional states have notified USAC of the change in their status. The list in this Public Notice represents the most current information available. USAC will update its website as the list is updated. See <http://www.universalservice.org/li/tools/frequently-asked-questions/faq-lifeline-linkup-order.aspx#q1>.

² *Id.* at 8323, para. 35; see also 47 C.F.R. §§ 54.410(c)(2), 1.4(e)(2), (j); *Deadline for Annual Lifeline Verification Surveys and Certifications*, WC Docket No. 03-109, Public Notice, 23 FCC Rcd 11917 (Wireline Comp. Bur. 2008); *Deadline for Annual Lifeline Verification Surveys*, Public Notice, 22 FCC Rcd 12753 (Wireline Comp. Bur. 2007); *Deadline for Annual Lifeline Verification Surveys*, Public Notice, 21 FCC Rcd 7184 (Wireline Comp. Bur. 2006).

ETCs in states that have their own state-based Lifeline and Link-Up programs must comply with their states' certification and verification procedures, including any deadlines set by those states. ETCs must also send USAC a certification indicating that they have complied with state verification procedures.³ These certifications must be submitted by **August 31, 2009, and on August 31 of each subsequent year thereafter.**⁴ ETCs must submit their certifications on the OMB-approved "Annual Lifeline Certification and Verification" form, which can be found on USAC's website at <http://www.usac.org/li/telecom/step08/certification.aspx>. ETCs may confirm receipt of their submissions on USAC's website at http://www.usac.org/_res/documents/li/pdf/cert-ver/2009%20Certifications%20and%20Verifications%20Received.pdf.

4. My state has its own state-based Lifeline and Link-Up program. The state's Lifeline verification procedures direct ETCs to submit their verification results to USAC. Is this permissible?

Yes. States with state-based Lifeline and Link-Up programs may either: (1) collect the verification results on a date that the state chooses; or (2) direct ETCs in their states to send the verification results to USAC.⁵ If companies are submitting the results to USAC, they should do so by **August 31, 2009, and on August 31 of each subsequent year thereafter.**⁶ Results submitted directly to USAC will be processed in the same manner as those received from ETCs in federal default states.

5. How should the verification sample be taken?

In federal default states, the verification sample should be drawn from the company's Lifeline customers on a state-wide basis, not on a study area or nation-wide basis. ETCs should provide a separate list of the study areas, including the Study Area Code, within its territory on the sample letter. ETCs should also enter a "0" where appropriate, instead of leaving a column blank. ETCs in states that have their own state-based Lifeline and Link-Up programs should consult the state verification procedures.

6. How do I determine the number of customers that constitutes a statistically valid sample?

As explained in Appendix J of the *Lifeline Order*, the size of a statistically valid sample is based on: (1) the number of Lifeline subscribers; and (2) the percentage of Lifeline subscribers that inappropriately took Lifeline service in the immediate prior year.⁷ Using these two numbers and the chart attached to Appendix J of the *Lifeline Order* (and included as Attachment B to this public notice), ETCs can determine how many Lifeline subscribers should be surveyed.⁸ Values for the

³ *Lifeline Order*, at 8324, para. 34.

⁴ See 47 C.F.R. § 54.410(c)(1); see also 47 C.F.R. §§ 1.4(e)(2), (j); *supra* n.2.

⁵ *Lifeline Order*, at 8322, para. 34.

⁶ See 47 C.F.R. § 54.410(c)(1); see also 47 C.F.R. §§ 1.4(e)(2), (j); *supra* n.2.

⁷ *Lifeline Order*, at 8365, Appendix J. In the first year of verification, all ETCs assumed that the percentage of subscribers inappropriately taking Lifeline was one percent or .01. Thereafter, ETCs use actual figures to determine the percentage of subscribers inappropriately taking Lifeline.

⁸ *Id.* Under the terms of the *Lifeline Order*, companies may calculate their sample sizes directly by using the formulas set out in footnote 2 of Appendix J.

number of Lifeline subscribers are listed in the first column. Values for the percentage of inappropriate Lifeline subscribers are listed in the first row. By plotting the intersection of the two values, the ETC can determine the number of Lifeline subscribers that constitutes a statistically valid sample.

To calculate the statistically valid sample size:

- a. Determine the current number of Lifeline subscribers: (a) _____.
- b. Determine the number of Lifeline subscribers that were surveyed last year: (b) _____.
- c. Determine the number of Lifeline subscribers that were surveyed last year that had their service terminated because they were found to be inappropriately taking Lifeline: (c) _____.
- d. Divide line (c) by line (b), which is the percentage of surveyed Lifeline customers that were found to be taking Lifeline inappropriately: (d) _____.
- e. Go to the chart in Appendix J (Attachment B to this public notice). Using the figure in line (a), find the closest value, rounding up to the nearest value. For example, if the ETC has 730 current Lifeline subscribers, the ETC should use the row for 800 subscribers.
- f. Find the appropriate column in Appendix J that corresponds to the percentage in line (d). If the percentage is less than .01, use the column for .01. If the percentage is greater than .06, use the column for .06. For percentages between .01 and .06, round up to the nearest half percent. For example, if the percentage in line (d) is .043, use the column marked “.045.”
- g. Find the number that is at the intersection of the row determined in step (e) and the column determined in step (f). This is the number of current Lifeline subscribers that the ETC must survey this year.

7. Last year, several Lifeline subscribers in my statistical sample did not reply. How should I account for that in determining the appropriate sample size for this year’s survey?

If an ETC terminated Lifeline benefits because a consumer failed to respond, that subscriber should be included in the calculation of the proportion of those inappropriately taking Lifeline.⁹

By way of example: Last year, an ETC had 10,000 Lifeline customers. Its survey size was 43 Lifeline subscribers. There was one non-respondent, whose Lifeline benefits were terminated after the appropriate termination procedures were completed. In addition, there was one customer determined to be inappropriately taking Lifeline. The proportion of those inappropriately taking Lifeline would be:

$$2 / 43 = 0.047 \text{ or } 4.7 \text{ percent.}$$

Under the directions included in Appendix J, the ETC should round up to the closest percentage listed in the chart, which would be 0.05 (or 5 percent) in the example above. This year, the ETC still has 10,000 Lifeline customers. The ETC should use the figure at the intersection of the row for 10,000

⁹ *Id.*

customers and the column for 0.05 percent, which is 202. This year, the ETC in the example should survey 202 current Lifeline customers.

8. When may ETCs terminate Lifeline subscribers who no longer qualify for Lifeline support?

In states with existing dispute resolution procedures that apply to termination of Lifeline benefits, ETCs should follow such procedures.¹⁰ Specifically, if a state maintains its own procedures that would require, at a minimum, written customer notification of impending termination of Lifeline benefits, similar to the federal default requirements, that state will retain the flexibility to develop its own appeals process.¹¹

If an ETC is in a state without dispute resolution procedures applicable to Lifeline termination and the ETC has a reasonable basis to believe that consumers no longer qualify for Lifeline support, the ETC must notify consumers by letter of their impending termination of Lifeline benefits and implement a 60-day period of time in which the consumers can demonstrate continued eligibility.¹² For example, a consumer who does not respond to a request to verify his or her continued eligibility might no longer be eligible for Lifeline. Accordingly, ETCs should send a second letter to consumers who fail to respond to verification requests indicating that the consumer must demonstrate continued eligibility for Lifeline within 60 days or lose the Lifeline discount. A consumer who appeals must present proof of continued eligibility to the ETC consistent with the state's verification requirements or federal verification requirements.¹³ This procedure is only required when the ETC has initiated termination of benefits, and is not necessary when the Lifeline subscriber has notified the ETC that he or she is no longer eligible.¹⁴

¹⁰ *Lifeline Order*, at 8316, para. 21; *see also* 47 C.F.R. §§ 54.405(c), (d).

¹¹ *Lifeline Order*, at 8316, para. 21.

¹² *Id.* at 8316, para. 22; *see also* 47 C.F.R. §§ 54.405(c), (d).

¹³ *Lifeline Order*, at 8316-17, para. 22; *see also* 47 C.F.R. §§ 54.405(d), 54.410(c).

¹⁴ *Lifeline Order*, at 8317, para. 22.

ATTACHMENT B

Appendix J of the *Lifeline Order*¹

STATISTICALLY VALID SAMPLE

Eligible Telecommunications Carriers (ETCs) subject to the federal default criterion will be required to verify the continued eligibility of a statistically valid sample of their Lifeline customers. The size of a statistically valid sample, however, varies based upon many factors, including the number of Lifeline subscribers (N) and the previously estimated proportion of Lifeline subscribers inappropriately taking Lifeline service (P).

For the first year that ETCs verify subscribers' continued eligibility, all ETCs should assume that the proportion P of subscribers inappropriately taking Lifeline service is .01, if there is no evidence to assume a different proportion. In subsequent years, ETCs should use the results of samples from previous years to determine this estimated proportion. In all instances, the estimated proportion P should never be less than .01 or more than .06.

For ETCs with large numbers of Lifeline subscribers (more than 400,000), a statistically valid sample size must be calculated pursuant to the following formula:²

$$\text{Sample Size} = 2.706 * P * (1 - P) / .000625.$$

For ETCs with 400,000 Lifeline subscribers or less, the above formula could yield a sample size that is larger than needed to be statistically valid.³ To simplify the calculation of a statistically valid sample, a table of sample sizes based on two variables N (number of Lifeline subscribers) and P (previously estimated proportion of Lifeline subscribers inappropriately taking Lifeline service) is provided below. Various numbers of Lifeline subscribers N are listed in the left-most column. Various previously estimated proportions P are listed on the first row. To determine the sample size, find the box that matches your number of Lifeline subscribers N and proportion P.

If the number of Lifeline subscribers is not listed and/or the proportion is not listed, ETCs should use the next higher number for N and/or P that is in the table, i.e. always round up to the next higher value for N and/or P. For example, if 3.8 percent of 9,500 Lifeline subscribers inappropriately took Lifeline service, the ETC would use a sample size of 164 (value using 10,000 customers and proportion .04). Because the adjustment for the number of Lifeline subscribers is *de minimus* above 400,000 Lifeline subscribers, ETCs with more than 400,000 Lifeline subscribers must use the above formula to calculate the sample size.

All ETCs must provide the estimated proportion for their samples to the Administrator, i.e., the proportion of sampled subscribers inappropriately taking Lifeline service.

¹ *Federal-State Joint Board on Universal Service Lifeline and Link-Up*, WC Docket No. 03-109, Report and Order and Further Notice of Proposed Rulemaking, 19 FCC Rcd 8302, 8365 (2004) (*Lifeline Order*).

² *Lifeline Order*, at 8365-68. The values 2.706 and .000625 in this formula are mandated by OMB. See Office of Management and Budget, Memorandum M-03-13 (May 21, 2003).

³ *Id.* Sample sizes for ETCs with 400,000 Lifeline subscribers or less are calculated pursuant to the following formula: sample size = $N / (1 + \{[N-1]/n\})$. N is the number of Lifeline subscribers and $n = 2.706 * P * (1 - P) / .000625$, where P is the previously estimated proportion of Lifeline subscribers inappropriately taking Lifeline service. ETCs may choose to calculate their sample sizes using these formulas.

Sample Size Table

(N) Number of Lifeline Subscribers	Previously Estimated Proportion of Subscribers Inappropriately Taking Lifeline Service (P) ⁴										
	0.01	0.015	0.02	0.025	0.03	0.035	0.04	0.045	0.05	0.055	0.06
400,000	43	64	85	106	126	146	166	186	206	225	244
100,000 ⁵	43	64	85	105	126	146	166	186	206	225	244
90,000	43	64	85	105	126	146	166	186	205	224	244
70,000	43	64	85	105	126	146	166	186	205	224	243
60,000	43	64	85	105	126	146	166	185	205	224	243
30,000	43	64	85	105	125	146	165	185	204	223	242
20,000	43	64	85	105	125	145	165	184	204	223	241
15,000	43	64	84	105	125	145	164	184	203	222	240
10,000	43	64	84	104	124	144	164	183	202	220	238
9,000	43	64	84	104	124	144	163	182	201	220	238
8,000	43	63	84	104	124	144	163	182	201	219	237
7,000	43	63	84	104	124	143	162	181	200	218	236
6,000	43	63	84	104	123	143	162	180	199	217	235
5,000	43	63	83	103	123	142	161	179	198	215	233
4,000	42	63	83	103	122	141	160	178	196	213	230
3,000	42	63	83	102	121	139	158	175	193	209	226
2,000	42	62	81	100	119	136	154	170	187	202	218

⁴ *Id.* For the first year of verification, ETCs should assume that this percentage is .01, if there is no evidence to assume a different percentage. In subsequent years, ETCs should use the results of samples from previous years to determine this estimated percentage.

⁵ Sample sizes for ETCs with less than 400,000 Lifeline subscribers are calculated pursuant to the following formula: sample size = $N / (1 + \{[N-1] / n\})$. N is the number of Lifeline subscribers. n is $(2.706 * P * (1 - P)) / .000625$, where P is the estimated percentage of Lifeline subscribers inappropriately taking Lifeline service. ETCs may choose to calculate their sample sizes using these formulas.

Sample Size Table

(N) Number of Lifeline Subscribers	Previously Estimated Proportion of Subscribers Inappropriately Taking Lifeline Service (P)										
	0.01	0.015	0.02	0.025	0.03	0.04	0.04	0.045	0.05	0.55	0.06
1,500	42	61	80	99	116	133	150	166	181	196	210
1,000	41	60	78	96	112	128	142	157	171	184	196
900	41	60	78	95	111	126	140	154	168	180	192
800	41	59	77	94	109	124	138	151	164	176	187
700	41	59	76	92	107	121	134	147	159	170	181
600	40	58	74	90	104	118	130	142	154	164	174
500	40	57	73	88	101	113	125	136	146	155	164
400	39	55	70	84	96	107	118	127	136	144	152
300	38	53	66	79	89	98	107	115	122	129	135
200	36	49	60	70	78	85	91	97	102	106	110
150	34	45	54	62	69	74	79	83	87	90	93
120	32	42	50	57	62	66	70	73	76	78	81
100	30	39	46	52	56	60	63	65	68	69	71
90	29	38	44	49	53	56	59	61	63	64	66
80	28	36	41	46	49	52	54	56	58	59	60
70	27	34	39	42	45	48	49	51	52	54	55
60	25	31	35	39	41	43	44	46	47	48	48
50	23	28	32	34	36	37	39	40	40	41	42
40	21	25	27	29	31	32	32	33	34	34	34
35	20	23	25	27	28	28	29	30	30	30	31
30	18	21	22	24	24	25	26	26	26	27	27
25	16	18	19	20	21	21	22	22	22	23	23
20	14	15	16	17	17	18	18	18	18	18	19

Sample Size Table

(N) Number of Lifeline Subscribers	Previously Estimated Proportion of Subscribers Inappropriately Taking Lifeline Service (P)										
	0.01	0.015	0.02	0.025	0.03	0.04	0.04	0.045	0.05	0.55	0.06
17	12	14	14	15	15	15	16	16	16	16	16
15	11	12	13	13	13	14	14	14	14	14	14
13	10	11	11	12	12	12	12	12	12	12	12
11	9	10	10	10	10	10	10	10	10	11	11
10	8	9	9	9	9	9	9	10	10	10	10
9	8	8	8	8	8	9	9	9	9	9	9
8	7	7	7	8	8	8	8	8	8	8	8
7	6	6	7	7	7	7	7	7	7	7	7
6	5	6	6	6	6	6	6	6	6	6	6
5	5	5	5	5	5	5	5	5	5	5	5
4	4	4	4	4	4	4	4	4	4	4	4
3	3	3	3	3	3	3	3	3	3	3	3
2	2	2	2	2	2	2	2	2	2	2	2
1	1	1	1	1	1	1	1	1	1	1	1